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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/772,596	02/06/2004	John E. Soukeras		5104

7590 11/24/2006

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EXAMINER

CHHABRA, ARUN S

ART UNIT PAPER NUMBER

3764

DATE MAILED: 11/24/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

**Supplemental  
Notice of Allowability**

Application No.

10/772,596

Examiner

Arun S. Chhabra

Applicant(s)

SOUKERAS, JOHN E.

Art Unit

3764

**-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--**

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to Applicant's RCE filed 5/8/2006.
2. ☒ The allowed claim(s) is/are 6, 8 and 10.
3. ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
  - a) ☐ All   b) ☐ Some\*   c) ☐ None   of the:
    1. ☐ Certified copies of the priority documents have been received.
    2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
    3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

\* Certified copies not received: \_\_\_\_\_.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.  
**THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.**

4. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
5. ☐ CORRECTED DRAWINGS ( as "replacement sheets") must be submitted.
  - (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review ( PTO-948) attached
    - 1) ☐ hereto or 2) ☐ to Paper No./Mail Date \_\_\_\_\_.
  - (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date \_\_\_\_\_.

Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
6. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

**Attachment(s)**

- |   |  |
|---|--|
| 1. <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)   | 5. <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)            |
| 2. <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                                | 6. <input type="checkbox"/> Interview Summary (PTO-413),<br>Paper No./Mail Date _____. |
| 3. <input type="checkbox"/> Information Disclosure Statements (PTO-1449 or PTO/SB/08),<br>Paper No./Mail Date _____ | 7. <input checked="" type="checkbox"/> Examiner's Amendment/Comment                    |
| 4. <input type="checkbox"/> Examiner's Comment Regarding Requirement for Deposit<br>of Biological Material          | 8. <input checked="" type="checkbox"/> Examiner's Statement of Reasons for Allowance   |
|   | 9. <input type="checkbox"/> Other _____.   |

## **DETAILED ACTION**

### **EXAMINER'S AMENDMENT**

An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it **MUST** be submitted no later than the payment of the issue fee.

Authorization for this examiner's amendment was given in a telephone interview with John Soukeras on July 20, 2006.

The application has been amended as follows:

Claim 6:

--- An exercise club for aiding a user in performance of a variety of exercises, comprising:

a handle formed to have a generally elongate configuration, the handle having a first end and a second end, the handle being further formed to have a diameter near the first end such that it can be gripped by the user;

a main body connected to the handle and arranged to extend lengthwise from the second end thereof, the main body being formed to have a cavity therein that has an open end and a closed end such that the cavity has a side wall and a bottom, the cavity being formed to receive a weight therein; and

a first plurality of ribs extending from the side wall toward a central region of the cavity such that the first plurality of ribs have inner edge portions that form a receptacle for retaining the weight in a selected position in the cavity;

an end cap arranged for attachment to the open end of the main body to retain the weight within the cavity, the end cap including a recess therein, the weight being formed to have a length such that it extends from the bottom of the cavity into the recess in the end cap, the end cap further including a plurality of ribs that extend radially between perimeter portions of the end cap and selected locations inside the end cap so that the plurality of ribs can be aligned and continuous with the first plurality of ribs of the main body to form one continuous rib extending down the length of the exercise club, the end cap forming a retainer for securing a lower end portion of a weight placed in the cavity against movement relative to the end cap so that the lower end portion of the weight is centered within the end cap, the end cap being formed to be removable from the main body so that the user may place one or more of a plurality of weights in the cavity.

Claim 9 has been cancelled in view of the above amendment.

The following is an examiner's statement of reasons for allowance: Though there are exercise clubs that are known in the art, no where in the prior art is found an exercise club with elongate weights that are secured in place by ribs. The ribs allow the weights to not move during use of the exercise club and also allow for different types of weights to be used inside of the exercise club. Another feature of Applicant's invention which was not found in the prior art was the use of an end cap to cover the club. More specifically, the use of an end cap having a plurality of ribs to align with the ribs inside the main body so that when placed on top of the club, the end cap and main body can

form one continuous rib to hold a weight in place. In this way, the end cap can be removed, a weight can be inserted into the club, and the end cap can be placed back on top of the club so that weight will not move during use. It is this feature of an end cap with ribs aligning and being continuous with ribs of the main body to hold a weight in place that is not found in the prior art.


Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Arun S. Chhabra whose telephone number is 571-272-7330. The examiner can normally be reached on M-F 9:30-6.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Gregory Huson can be reached on 571-272-4887. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

  
STEPHEN R. CROW  
PRIMARY EXAMINER  
ART UNIT 332

  
Arun Chhabra